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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,700	02/22/2007	Stephen I. Klink	GB030229	9728
24737	7590	10/09/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER MOONEY, MICHAEL P	
			ART UNIT 2883	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,700	<b>Applicant(s)</b> KLINK ET AL.	
	<b>Examiner</b> Michael P. Mooney	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3, 5 are rejected under 35 U.S.C. 102b as being anticipated by Kim (5274481).**

Kim teaches an electronic device (e.g., figs. 3A-3B) comprising: a substrate 22b carrying a single electrode structure 21b and a plurality of electro-optical elements 25 26 27 at least including: a first electro-optical element 27 covering a first part of the electrode structure 21b, the first electro-optical element 27 comprising a first electro-optical material with a first transmission/voltage response characteristic B; and a second electro-optical element 26 covering a second part of the electrode structure 21b, the second electro-optical element 26 comprising a second electro-optical material with a second transmission/voltage response characteristic G (e.g., figs. 3A-3B).

Thus claim 1 is met.

Kim teaches wherein the first electro-optical material comprises a first liquid crystal material and the second electro-optical material comprises a second liquid crystal material (e.g., figs. 3A-3B). Thus claim 3 is met.

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Kim teaches wherein the first electro-optical element is covered by a first colour filter and the second electro-optical element is covered by a second colour filter (e.g., fig. 1), Thus claim 5 is met.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5274481).**

Kim teaches an electronic device (e.g., figs. 3A-3B) comprising: a substrate 22b carrying a single electrode structure 21b and a plurality of electro-optical elements 25 26 27 at least including: a first electro-optical element 27 covering a first part of the

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electrode structure 21b, the first electro-optical element 27 comprising a first electro-optical material with a first transmission/voltage response characteristic B; and a second electro-optical element 26 covering a second part of the electrode structure 21b, the second electro-optical element 26 comprising a second electro-optical material with a second transmission/voltage response characteristic G (e.g., figs. 3A-3B). Thus claim 1 is met.

Kim teaches wherein the first electro-optical material comprises a first liquid crystal material and the second electro-optical material comprises a second liquid crystal material (e.g., figs. 3A-3B). Thus claim 3 is met.

Although Kim does not explicitly state "the electronic device further comprising a first light-polarizing layer and a second light-polarizing layer; the electro-optical elements being sandwiched between the first light-polarizing layer and the second light-polarizing layer" it would have been obvious to do so because it is conventionally known to sandwich the electro-optical between a first light-polarizing layer and the second light-polarizing layer.

Thus claim 4 is rejected.

#### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art, either alone or in combination, does not disclose or render obvious the first electro-optical element further comprises a first polymer topcoat, the first electro-optical material being sandwiched between the first polymer topcoat and the substrate; and the second electro-optical element further comprises a second polymer topcoat, the second electro-optical material being sandwiched between the second polymer topcoat and the substrate in combination with the rest of claim 2.

It is noted that the claim 1 is allowable because the unique combination of each and every specific element stated in the claim.

### ***Conclusion***

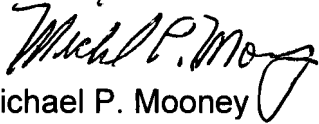
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

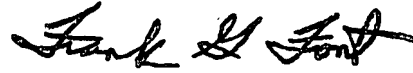
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Mooney  
Examiner  
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Frank G. Font  
Supervisory Patent Examiner  
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FGF/mpm  
9/30/07